



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-0898

**PUBLIC NOTICE DATE:** February 28, 2007

**EXPIRATION DATE:** March 30, 2007

**REFERENCE NUMBER:** POA-2005-1647-4

**WATERWAY:** Lake Two Creek

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

**APPLICANT:** Mr. Brent Howell, Post Office Box 210393, Auke Bay, Alaska 99821-0393

**AGENT:** None

**LOCATION:** The proposed project is located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  of Section 14, T. 40 S., R. 65 E., Copper River Meridian; Latitude 58.395° N., Longitude 134.622° W., Juneau B-2 Alaska Quadrangle; on Lot EE, USS-2392, at 11450 Joanne Way, Juneau, Alaska.

**PURPOSE:** Improve existing access into the property for the purpose of sub-dividing the property into smaller lots for sale to private individuals, and for the placement of a fill pad to support a proposed housing structure on one of the proposed lots.

**WORK:** Place fill materials into waters of the United States (U.S.), including wetlands, for the purpose of installing a fill pad to support a driveway access and single family home, and to enlarge and extend an existing access road on the property. All work would be accomplished in accordance with the attached plans and drawings, sheets 1-10, dated 01/19/07.

**ADDITIONAL INFORMATION:** For additional information, please contact Mr. Brent Howell, Post Office Box 210393, Auke Bay, Alaska 99821-0393, telephone (907) 789-1414 (hm), or (907) 732-8080.

**MITIGATION:** No mitigation has been proposed. The applicant has kept as much of the proposed road access improvements out of the Class A wetlands as possible and still provide ingress/egress and vehicle access to all of the proposed lots. Also, the applicant has re-located the proposed house fill pad into an area on one of the lots that is not within the Class A wetland boundary. The applicant has proposed

**WATER QUALITY CERTIFICATION:** A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

**COASTAL ZONE MANAGEMENT ACT CERTIFICATION:** Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

**CULTURAL RESOURCES:** The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

**TRIBAL CONSULTATION:** The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

**ENDANGERED SPECIES:** No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

**ESSENTIAL FISH HABITAT:** The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated Federal regulations found at 50 CFR 600 Subpart K. EFH, including

Habitat Areas of Particular Concern (HAPC), in the Alaska District are described for species managed under a Federal Fishery Management Plans. We have reviewed the NMFS and North Pacific Fishery Management Council's Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska (April 2005) to locate and identify EFH in the vicinity of the proposed action.

The project is not located within areas described as EFH or HAPC.

We have determined that the described activity within the proposed area should not adversely affect EFH, nor should it adversely affect HAPC. The proposed project is small in both size and fill amounts (0.24 acres and 822 cubic yards of fill materials), the applicant has kept as much impact as possible out of the Class A wetlands and on a previously impacted area, and the proposed project is not within 200 feet of either Lake Two Creek or Norma Creek, so no fill would be placed in a known anadromous fish waterway.

This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work.

**SPECIAL AREA DESIGNATION:** Class A Wetland A-5, Juneau Wetlands Management Plan

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of

an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Garth Zimbelman at (907) 790-4490, or by email at [garth.a.zimbelman@poa02.usace.army.mil](mailto:garth.a.zimbelman@poa02.usace.army.mil) if further information is desired concerning this notice.

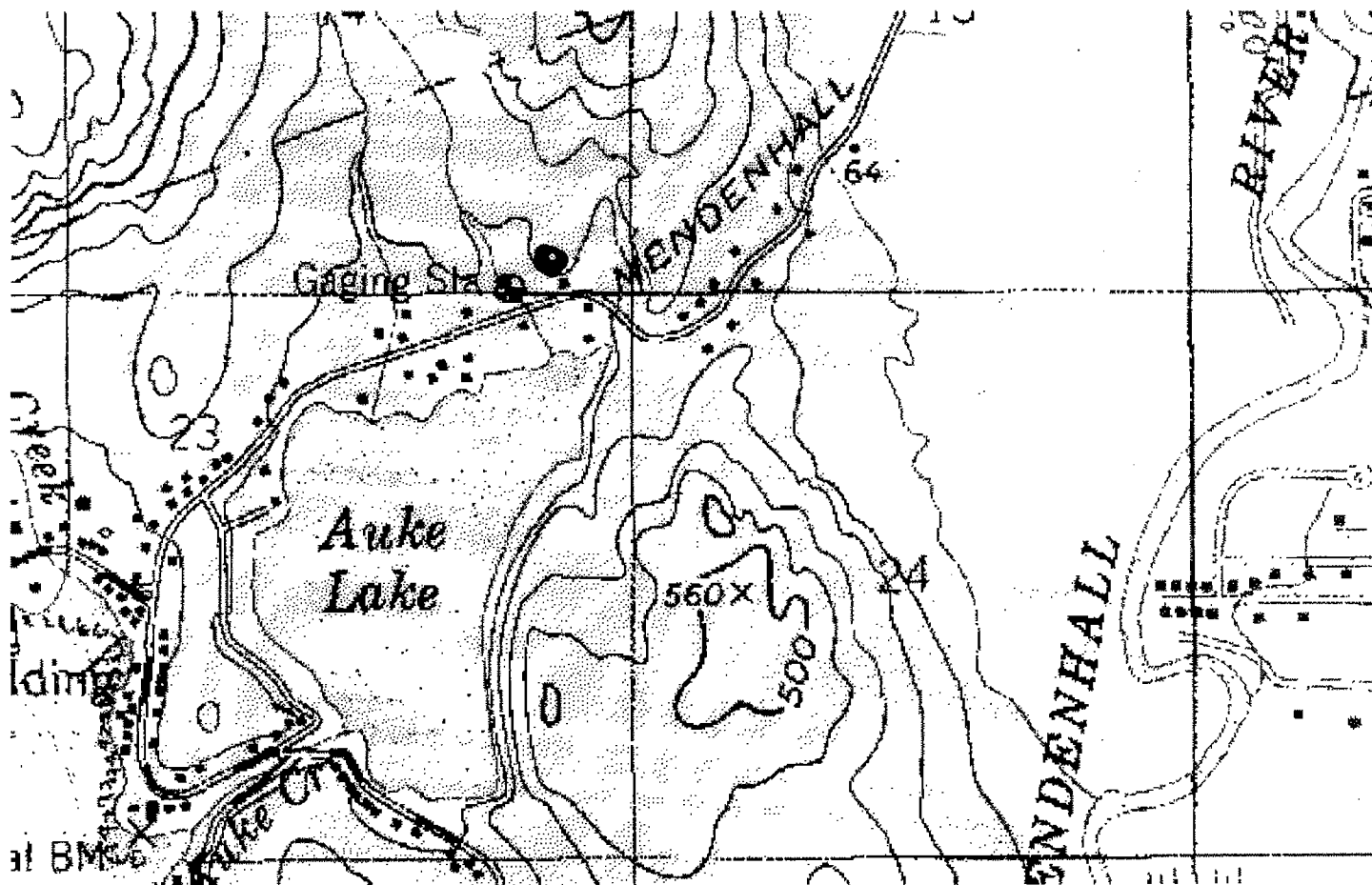
**AUTHORITY:** This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments



LOT EE USS 2392

11450 JOANNE WAY, JUNEAU ALASKA

SE 1/4 SE 1/4 of Section 14 T. 40 S R 65 E CRM

Lat - 58.395° N Long - 134.622° W

Brent Howell  
Lake Two Creek  
01/19/07

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CITY & COMMUNITY	
ASSESSOR'S PARCEL NUMBER KEY	
6	009 0 (102) 0030
LEGEND	
BLUEBERRY HILLS	Subdivision Name
CITY HALL	Structure Names
MAIN STREET	Street Name
	Water
	Unimproved ROW

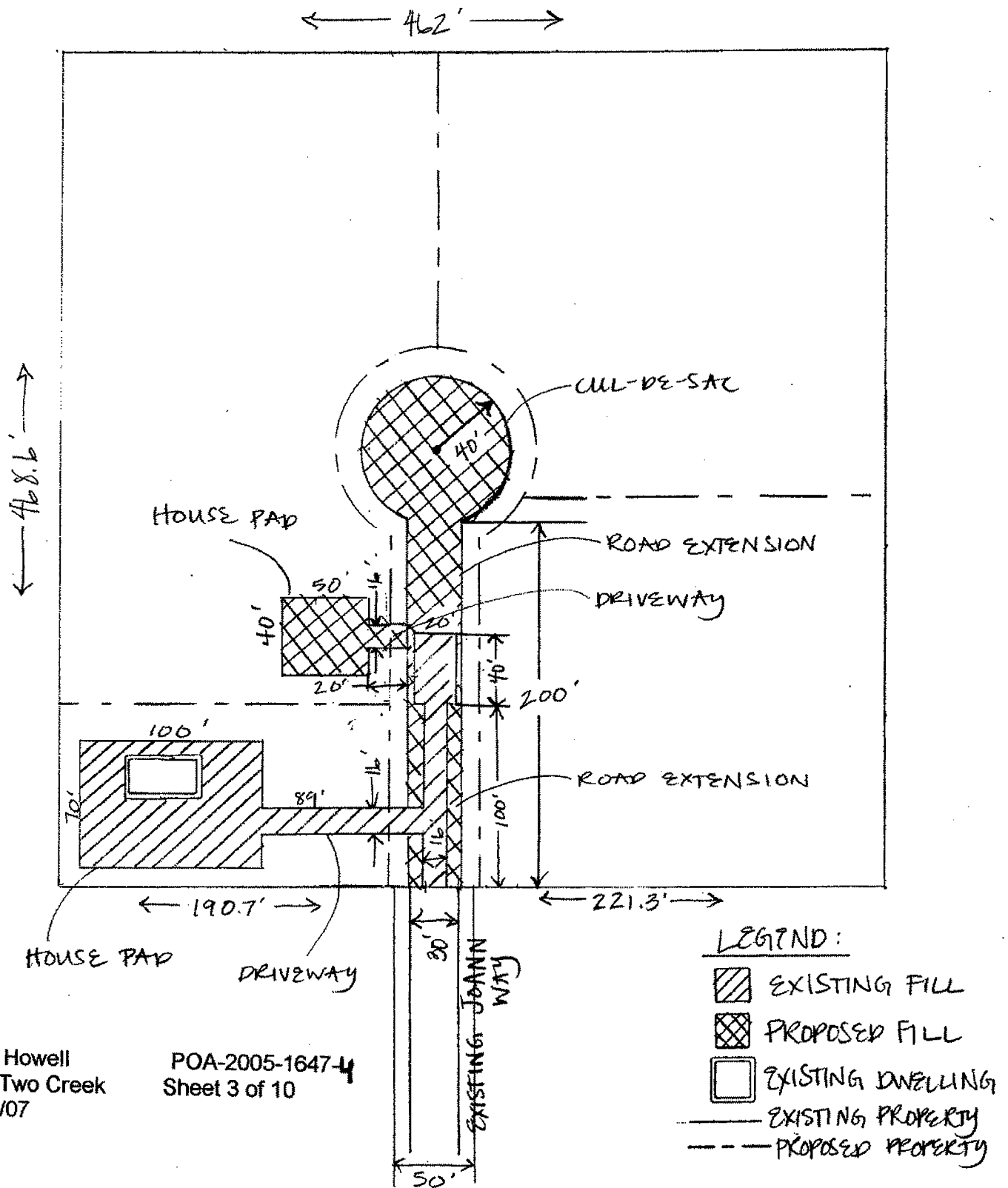
Brent Howell  
Lake Two Creek  
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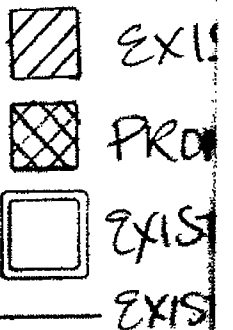
# PLAN VIEW, PROPOSED FILL

NTS



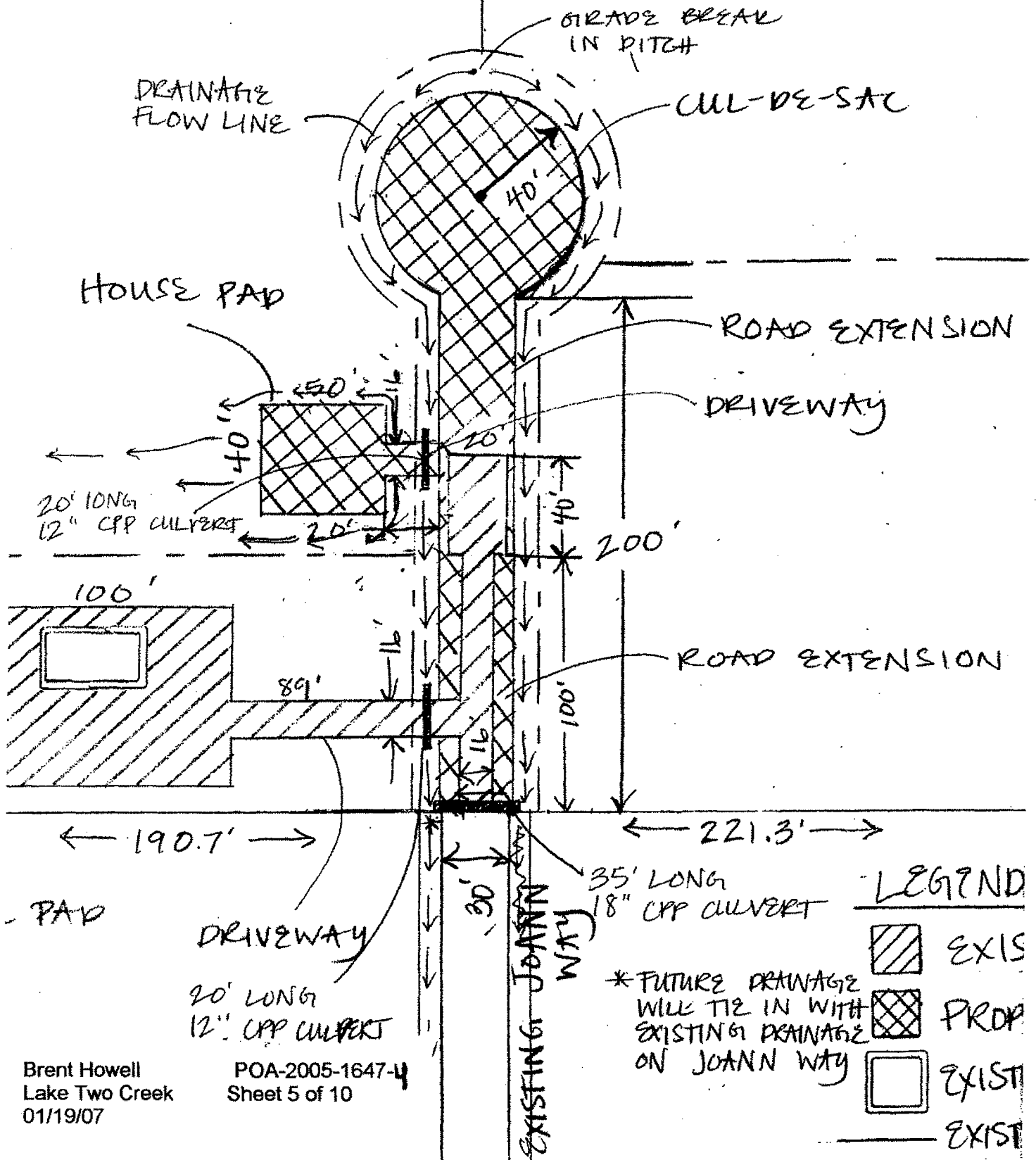
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# DRAINAGE PLAN



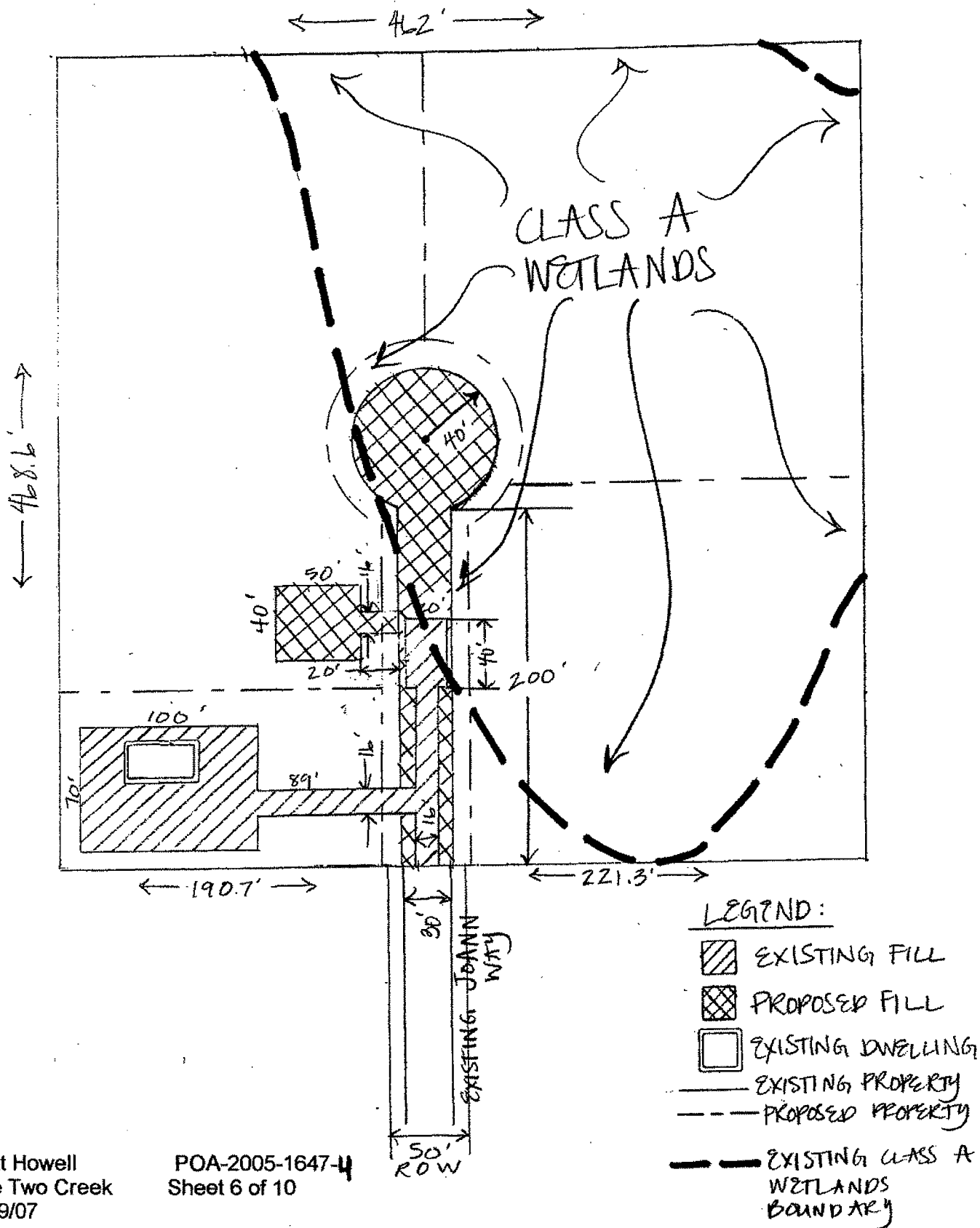
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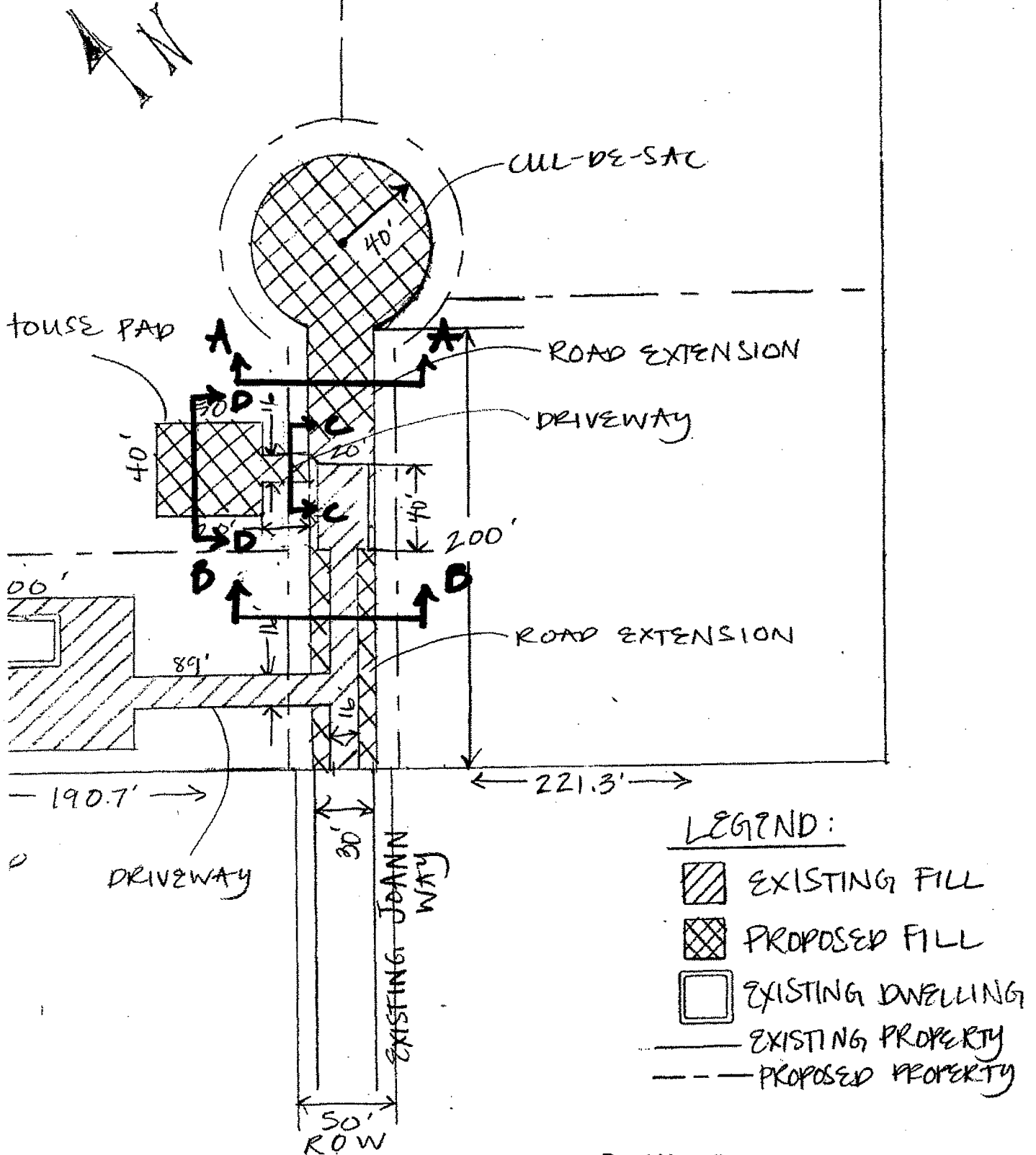


# WETLANDS LOCATION

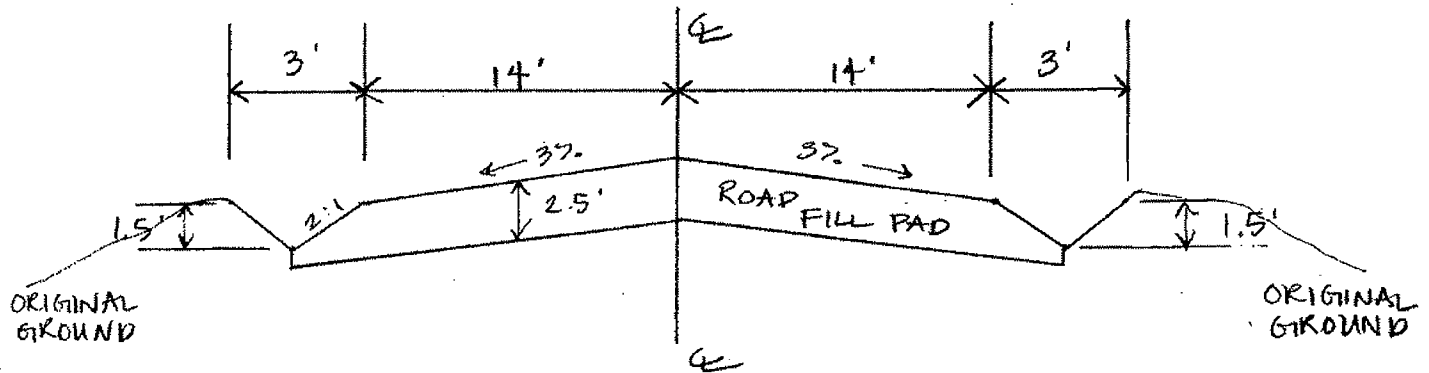
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# TYPICAL CROSS-SECTION LOCATIONS

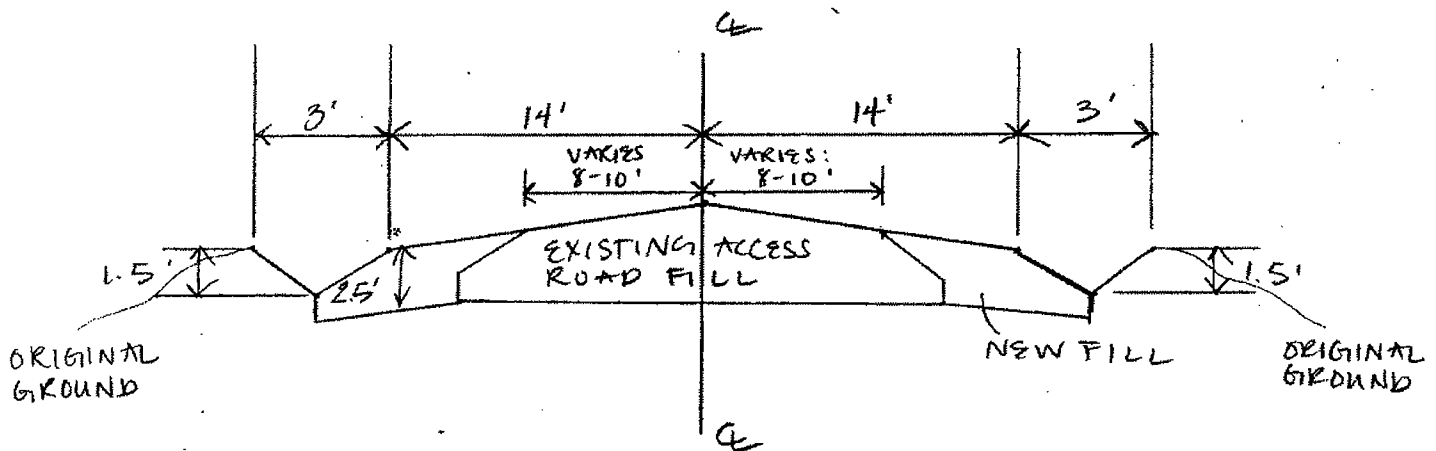


# TYPICAL CROSS-SECTION OF THE JOANN WAY EXTENSION: SECTION "A-A" NTS



ROAD FILL (INCLUDING CUL-DE-SAC):  
6704 S.F. = 0.15 ACRES  
621 CY OF FILL MATERIAL

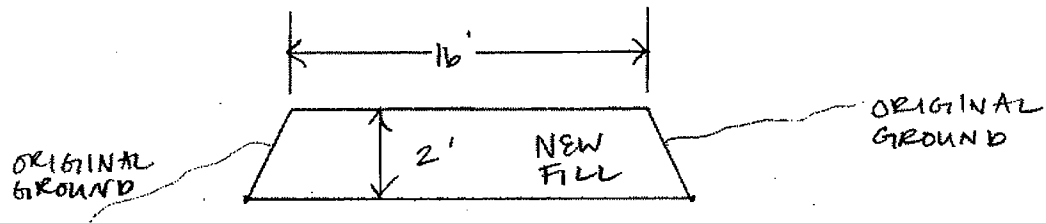
# TYPICAL CROSS-SECTION OF THE JOANN WAY EXPANSION: SECTION "B-B" NTS



ROAD EXPANSION FILL:  
1520 S.F. = 0.03 ACRES  
141 CY OF FILL MATERIAL

# TYPICAL CROSS-SECTION OF DRIVEWAY

## SECTION "C-C" NTS



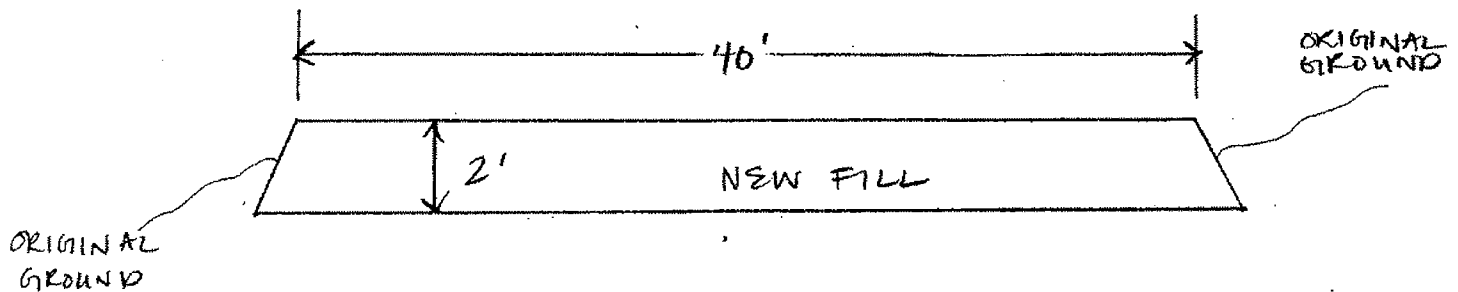
DRIVEWAY FILL:

320 S.F. = 0.01 ACRES

24 CY OF FILL MATERIAL

# TYPICAL CROSS-SECTION OF HOUSE PAD

## SECTION "D-D" NTS



HOUSE PAD FILL:

2,000 S.F. = 0.05 ACRES

148 CY OF FILL MATERIAL

★ ALL FILL AREAS WILL CONSIST OF 1' SHOT ROCK BELOW 1' OF PIT RUN (SHOT ROCK FROM STABLEY'S ROCK QUARRY & PIT RUN FROM THE HOME DEPOT SITE). ROADWAY AND CUL-DE-SAC WILL HAVE 6" OF D-1 (FROM MILLER CONSTRUCTION) AS A BASE COURSE.

★ ALL OVERBURDEN WILL BE HAULED TO TOPSOIL PLANT IN HIDDEN VALLEY.

Brent Howell  
Lake Two Creek  
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# SUMMARY OF TOTAL QUANTITIES:

## PROPOSED FILL:

SHOT ROCK: 391 CY  
PIT RUN: 391 CY  
D-1: 40 CY

## OVERBURDEN REMOVAL:

ESTIMATE OF 1' OVERBURDEN OVER ALL  
FILL AREAS (BASED ON PREVIOUS FILLS):

391 CY  
ESTIMATE OF OVERBURDEN TO BE REMOVED FROM  
PITCHES: 150 CY  
TOTAL: 541 CY

## AMOUNT OF VEGETATION REMOVAL:

ROAD EXTENSION: 40' X 60'  
CUL-DE-SAC: 50' DIA.  
PROPOSED DRIVEWAY: 16' X 20'  
PROPOSED HOUSE PAD: 40' X 50'

## TOTAL ACRES TO BE FILLED:

0.24 ACRES

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

### DEPARTMENT OF NATURAL RESOURCES OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING  
302 GOLD STREET, SUITE 202  
JUNEAU, ALASKA 99801-1127  
PHONE: (907) 465-3562/FAX: (907) 465-3075

### NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-2005-1647-4 will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

Attachment 1

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

### DEPT. OF ENVIRONMENTAL CONSERVATION

#### DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2005-1647-4 serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
410 Willoughby Avenue  
Juneau, Alaska 99801-1795  
Telephone: (907) 465-5321  
FAX: (907) 465-5274

Attachment 2